

## REMARKS

Applicants have substantially rewritten the claims into a form directed to lubricant compositions and methods of use of a lubricant with containers and conveyors. Support for these amendments is found in the claims as originally filed and generally is the specification. The amendments of this paper do not constitute substantive changes to the claim scope but are simply formal restatements of the technology claimed originally, with the original claims placed in a format accepted for US practice.

Examiner has rejected original claims 1 - 20 under 35 USC section 112/101 arguing that the original claims are indefinite for a variety of reasons. Applicants assert that these rejections are moot in light of the amendment.

Examiner has rejected claims 1 - 20 under 35 USC section 103 (a) over Montgomery United States patent No. 4,290,810. Examiner has also rejected claims 1 - 20 under 35 USC section 103 (a) over Mathisen et al., United States patent No. 5,352,378. In light of the failure, of either Montgomery or Mathisen et al. to teach container /conveyor technology, a direct application of the lubricant without dilution and an important reduction in frictional force between a container and a conveyor, the rejection must fail. Applicants respectfully traverse the rejection.

The claimed invention relates to a container/conveyor lubricant material comprising a polysiloxane that is directly applied in the absence of dilution to the interface between a conveyor and a container. The lubricant is used in the absence of any dilution of a concentrate polysiloxane to form an aqueous lubricant that can be applied to the conveyor/container interface. Important elements in claim involved both the use of the lubricant without a dilution step and substantial reduction of friction at the conveyor/container interface.

Turning now to the Prior Art, Montgomery, United States patent No. 4,290,810, teaches increasing friction at a particulate conveyor interface. The method uses a liquid material that reduces the strength of ice on a conveyor for large particulates such as coal. In the reference, Montgomery in the abstract and that column 1, lines 22 through 25, teaches that ice accumulation on conveyor causes a substantial slippage (reduces friction) between particulate and the belt surface. In other words Montgomery is concerned with removing ice and increasing the friction between particulate and belt surface. The reference is not related to reducing the friction between particulate and belt surface at the interface between particulate and surface. The

aqueous materials disclosed by Montgomery increased friction by causing the ice to lose strength after formation on the conveyor surfaces such that the ice is removed. In other words the materials in Montgomery substantially reduce the compressive strength of the ice such that materials handling processes breaks the ice. The absence of ice substantially increases the friction between the particulate and the conveyor surface. With increasing friction is obtained through removal of ice using the aqueous materials to reduce the compressive strength of ice. Montgomery at column 3, lines 26 through 29 states as follows:

Thus, though some ice may form, it is of reduced compressive strength and is easily **broken out by the moving particulate** and therefore does not accumulate to any appreciable extent. (bold emphasis supplied)

Not only does Montgomery not teach reducing friction between the particulate and the conveyor, Montgomery does not teach lubrication of an interface between a container and a conveyor surface. In light of the substantial differences between the invention and the teachings of Montgomery, one of ordinary skill in the Art would not choose the mode of conveyor operation or materials for container lubrication compositions and methods.

Mathisen et al. adds nothing to support the rejection. This reference does not suggest reducing friction between a conveyor and any object. The reference is directed to forming a medical device having a dry coating that has reduced friction when used. The teachings relate to forming reduced friction coatings on a medical article such as a catheter or other medical instrument. The surfaces in the reference are dry coatings, are not in the form of a diluted material and are not used with a container and conveyor.

The specific medical devices of interest are shown in column 4, lines 17 through 20. Since Mathisen et al. teaches nothing about lubricating a conveyor or the interface between a container and a conveyor. These differences are particularly well pointed out in column 3, line 57 et seq. The lubricant layer on the devices used in reference is shown to be a dry coating on the surface of a medical device. Mathisen et al. does not remedy the failure of Montgomery to teach anything relevant to the invention.

Applicants respectfully request of withdrawal of the rejection and that the examiner pass these claims to allowance.

Attached hereto is a marked-up version of the changes made to the claims by the current Amendment. The attached page is captioned VERSION WITH MARKINGS TO SHOW CHANGES MADE.

Respectfully submitted,

22 Oct 2007

Date

Mark DiPietro

Mark DiPietro

Reg. No. 28,707

MERCHANT & GOULD P.C.

P.O. Box 2903

Minneapolis, MN 55402-0903

Telephone: (612) 371-5375

E-mail: mdipietro@merchant-gould.com

Application No. 09/655,543

VERSION WITH MARKINGS TO SHOW CHANGES MADE

In the Claims

Please cancel claims 1-22.

Please add new claims 23-82.

K:\clients\13\13470\1399US01\P-Amend0828.doc